

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RITA JOHNSON, )  
                    )  
Plaintiff,       )                  4:05CV3245  
                    )  
v.                 )  
                    )  
ALLMAND BROS,     )                  ORDER  
                    )  
Defendant.        )  
                    )

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The defendant has moved for leave to serve subpoenas for document production on the Nebraska Equal Opportunity Commission and the Nebraska Unemployment Appeal Tribunal prior to filing the parties' Rule 26(f) Report. Filing 12. The defendant does not know whether these state entities still have records related to this action, but has been advised that, under applicable internal document destruction policies, their files are scheduled to be destroyed within ninety days of closing a charge file. The defendant requests leave to immediately serve subpoenas, copies of which were filed in support of the defendant's motion (see filing 13), in an attempt to secure for this litigation any evidence remaining in these state entities' files.

The plaintiff has advised the court that she has no objection to the defendant's motion.

IT THEREFORE HEREBY IS ORDERED:

1. The defendant's motion for leave to serve subpoenas prior to filing the parties' Rule 26(f) Report, filing 12, is granted.

2. The defendant may immediately serve subpoenas for document production, copies of which were filed in support of the defendant's motion, on the Nebraska Equal Opportunity Commission and the Nebraska Unemployment Appeal Tribunal.

DATED this 8<sup>th</sup> day of December, 2005.

BY THE COURT:

s/ *David L. Piester*

David L. Piester  
United States Magistrate Judge